

**Minutes of the Carlisle Board of Health  
November 26, 2012**

Present: Board members Jeff Brem (Chairman), Bill Risso (Vice-Chairman), Catherine Galligan, Vallabh Sarma, Donna Margolies; Linda Fantasia (Agent), Rob Frado, Technical Consulting Group

The meeting was called to order by the Vice-Chairman at 7:00 pm. at Carlisle Town Hall.

**BILLS** – include wages and salaries; the operating account is 60% expended which is expected for this time of year. A bill for \$1900 was submitted from the town's Animal Inspectors, Larry Sorli and Deb Toher. They did a total of 76 inspections. They each receive one-half of the \$25 fee collected. Reminder notices have been sent out to owners who have not paid. The 53E account has a balance of \$10,138 without the November invoice.

**It was moved (Galligan) and seconded (Margolies) to approve payment of the Animal Inspectors' invoices. Motion passed 4-0-1(Brem arrived after the discussion).**

Brem assumed the chair.

**Minutes** – the Board reviewed the draft minutes.

**It was moved (Galligan) and seconded (Risso) to approve the minutes of 9/10/12 as amended. Motion passed 5-0-0.**

**It was moved (Risso) and seconded (Galligan) to approve the minutes of 10/15/12 as amended. Motion passed 5-0-0.**

### **Administrative Reports**

**Ferns Food Establishment** – re-inspection. Brem met with the managers who agreed to improve the cleaning of the slicing machine. Brem made some recommendations.

**Tick Task Force** – the next meeting is 12/5/12. Risso would like to attend. Margolies and Fantasia have been attending. The group is looking to create a universal message on prevention. Brem provided a copy of an information handout provided by the Concord Health Dept. The cards are placed in wooden holders on the trails. The Board agreed that the information was easy to understand. Fantasia said the Tick Task Force had seen a copy of the handouts which were created by Gabi White of the Concord Health Dept. There may be a way to fund this for Carlisle using the Community Health Network Assoc. (CHNA) grant money.

**108 Hemlock Hill Road – request for a Garbage Grinder Deed Restriction.** Craig Rothenberg, owner, appeared before the Board.

Rothenberg would like to finish two rooms in the basement. The system is designed for four bedrooms and includes a garbage grinder allowance for a total capacity of 660 GPD. The additional rooms would result in ten rooms total or the equivalent of a five bedroom system. Local regulations require 625 GPD for five bedrooms. The system passed a Title 5 Inspection in 2008. There is a garbage grinder installed that will be removed. Rothenberg is willing to record a deed restriction to accommodate the addition. He understands that the excess capacity cannot be used for both purposes (grinder and addition). The Board agreed to approve the Restriction. The Board discussed options for making sure future owners do not reinstall a grinder. The Building Inspector will be asked to verify the removal of the grinder. A note will be placed on the Plan of Record and the deed disclosure should make this obvious.

**It was moved (Risso) and seconded (Margolies) to approve a Garbage Grinder Deed Restriction for 108 Hemlock Hill Road, Carlisle, MA to allow the 50% additional system capacity to be used for an addition instead of a grinder conditional upon proof of recording of the Restriction submitted to the Health Department prior to issuance of a Building Permit. Motion passed 5-0-0.**

**FERNS FOOD ESTABLISHMENT – ANNUAL LICENSE.** Larry Bearfield and Robin Emerson, property managers, appeared before the Board. The operation was inspected by Randy Phelps and his assistant on 9/19/12. Overall the report noted a well-run operation. A few items needed to be addressed such as cleaning the meat slicer and thawing procedures. Brem followed up on the action items and suggested using a toothbrush to clean the slicer. All items were corrected for the reinspection on 10/18/12. Emerson explained that the inspector had seen frozen chicken on the counter and assumed it was being thawed at room temperature. She explained that the frozen chicken is mixed with mayonnaise and refrigerated. The inspector approved the process once it was explained. Bearfield reported that the Clivus composting toilet is working well and is inspected regularly with reports to the Board. They have been managing the property for nine years and felt the Board's new consultant Phelps Food Service (PFS) was very efficient and helpful. It was a good working relationship. The Board had signed off on their application for a Common Victualler's License from the Selectmen. The Board commended Bearfield and Emerson for a well-run establishment. The Board agreed to continue the annual reporting requirements on the septic system by its consultant. The well is tested regularly as a Public Water Supply.

**It was moved (Risso) and seconded (Margolies) to issue an annual Food Establishment Permit to Fern's Country Store, 8 Lowell Street, Carlisle, with the ongoing annual conditions to inspect the septic system once a year in May. Motion passed 5-0-0.**

**PHELPS FOOD SERVICE** – Randy Phelps and Samantha Berube appeared before the Board for their annual meeting. Phelps explained that Berube would be doing more field work. She has 20 years of experience and is a Certified Food Protection Manager. He will review all of her reports. They recently visited all of Carlisle's establishments with the exception of Village Court. This kitchen is used by the Council on Aging for their events. Special arrangements need to be made to access the kitchen. The three churches are inspected once a year; Ferns and the school are inspected at least twice; the ice cream stands are inspected once upon opening and then as needed. Great Brook Farm had some permitting issues last spring which were state not local. He worked with Kimball's to address problems with their soft serve equipment. They replaced the gaskets and now keep a separate cleaning tool kit for the machines. They are only testing for coliform but should be doing a standard plate count for bacteria also. They will be advised of this prior to next spring. Phelps had observed the lab technician taking a sample and questioned his procedures. The sampling procedures and equipment can be the source of a contamination. Phelps had visited the Summer Farmer's Market and provided recommendations to the vendors. Mainly only local produce should be sold; outside vendors should be licensed in the town where their facility is located. Meat and poultry vendors require USDA approval. More crafts are available during the Winter Market. Phelps had noted rodent droppings at the First Religious Society. The kitchen has been cleaned and a cleaning service hired. Black Brook Farms is no longer in business. A few minor items were noted for the School but overall it is a well-run operation.

The Board thanked Phelps for the information. Galligan asked if he would breakdown his time per facility since they are paid from different accounts. Phelps agreed.

**BENFIELD FARMS DEVELOPMENT** – Atty. John Smolak, Steven Smith (GeoHydro Cycle Inc), Mark Beaudry (Meridian) appeared before the Board.

Beaudry summarized the changes to the septic design based in response to Frado's 10/29/12 review comments. Plans have been revised to include a 20-scale where possible. Beaudry then summarized the basis for the placement of three compliance monitoring wells recommended by Smith, the project hydrogeologist. One of the conditions of the project is a not to exceed 5 mg/l Total Nitrogen at the property boundaries. Smith created a two-layer groundwater flow model to simulate what the flow might look like in the area of the Drip SAS and the Production Well. Smith recommended installation of a third compliance well to provide a triangular cluster which is typical of a Groundwater Discharge Permit (GWDP). Beaudry explained that based on the model the values in the two downgradient wells would be 13.3 mg/l and 6.1 mg/l respectively, assuming 0 mg/l background. Frado asked how background would be determined. Beaudry said that if anything is detected in the upgradient well then that would be added to the expected downgradient values.

Smith then provided more detail on the assumptions used for the transport model and submitted a report with appropriate models for the Board's consideration. The original estimates prepared in 2010 were updated in 2012 to include information on the system design, well production, and soil testing. This provided a more complete picture

resulting in a shorter plume and slower flow. There is additional information which needs to be included. The Board asked for an updated report prior to making its decision.

Beaudry reported that the bedrock well for the Public Water Supply is six inches in diameter and 660 feet deep. The well was drilled in September 2012. Bedrock was encountered at 30'. Two primary water-bearing fracture zones were encountered at 270 and 400'. The pump test resulted in a rate of 6 gpm. The pumped was discharged beyond the Zone I which is 457'. The pump test showed little draw down (approx. 14') which is very good. The applicant is requesting approval of 3900 gpd which is the equivalent of the Title 5 flow designs.

Risso noted that the model was based on typical evaporation for a drip dispersal system. He asked what would happen if the system became saturated with a soaking rain. Smith said this would provide better dilution and a lower concentration. Risso also asked whether application of fertilizers could affect the model. One of the allowed uses outside of the Zone I is agriculture. Smith said he had not calculated open influences in his model. Beaudry said the use restrictions for Lot 4 are very specific. Brem said this is not the case for Lot 2 which may be used for recreational fields that require maintenance.

Frado agreed that all of his previously noted items had been addressed. Beaudry noted that he is still picking up items to be corrected in the set of plans submitted and would like the opportunity to do a final review. In response to a question, Beaudry explained how the required separation between the force main and return line would be maintained. The Board then proceeded to review draft conditions prepared by the working group. Brem explained that the point of the conditions is so that future Boards will know exactly what was agreed upon and what is expected. The conditions cover financial guarantees, monitoring and reporting. Galligan asked if the multi-page document could be put in a table. She was concerned about whether it would be clearly understood by the system operators, particularly as to what triggers what action. Brem explained how the financial guarantees would work. There would be a small (\$25K) emergency set aside for Board of Health requirements on day one that would continue to grow through the life of the project. If an event depleted the entire amount, it would need to be replaced within two years. The Board reviewed the proposed replacement costs which they felt were conservative. Smolak said it is easier to front load the guarantees. The Board made some minor changes in the wording and numbering of the paragraphs and clarified some of the notification requirements. The Board was particularly concerned about emergency notifications which can be called in but still require written notification for the record. Smolak agreed to incorporate the changes into a final document. Discussion ensued over ownership responsibilities. The Town of Carlisle owns the property but is providing a ground lease to the developer. Smolak said these responsibilities would be detailed in the lease.

NOAH would like to have the lease finalized by 12/31/12 for the closing. The Board agreed to hold a special meeting on 11/28/12 to allow Board members time to review the conditions. The final report from GeoHydroCycle will also be available and Beaudry had a few minor corrections he still needed to make to the plan. The Board agreed that it wanted a single manual which would contain all of the documents and conditions. This will be very important in monitoring compliance and for efficient operation of the public health infrastructures.

**LONG RIDGE ROAD CONSERVATION CLUSTER** - Brem, the applicant, recused himself and stepped away from the table. Risso assumed the chair. A number of abutters to the property were in the audience.

Brem explained that the parcel contains 11.84 acres with 521' of frontage. There is an existing house which is his. Under zoning he could develop three lots including the existing house. As a Conservation Cluster, which requires a Special Permit from the Planning Board, there could be four lots. The lots must still be two acres but the frontage can be reduced. A certain amount of land area must be maintained as open space and there must be a benefit to the town. Brem said the parcel provides a trail connection that is in keeping with the Town's trail system. Brem said one of the new lots already has an approved septic design. The Conservation Cluster plan was reviewed by Frado. There are a few plan deficiencies which he is in the process of addressing. The wetland line also needs to be confirmed by the Conservation Commission. The applicant needs to do additional testing for one of the lots. The existing house would remain and three new ones would be built. He is working out an issue with the Planning Board about the location of an existing pool deck which falls within another lot.

The Board asked whether there were any outstanding issues on the existing property. Fantasia said the fee for the barn license has not yet been paid. The barn was inspected in the fall. No outstanding issues were noted. The Board asked about the manure pile. Fantasia said the barn inspectors would have noted a problem. The Board asked if it was close to an abutter's well. Brem said the stockpile meets the Board's setback distances. He had moved it to a new location for this reason. The manure will eventually be removed. Since the wells nearby are all bedrock wells, pollution should not be a problem. The Board asked him to verify distances to wells across the street. Brem agreed. The Board then read a memo submitted by a group of 13 abutters expressing concerns about the proposed development. Their concerns included an expedited permitting process, conflict of interest, impacts to the neighborhood, drainage and maintaining horses.

Mike Hanauer (200 Long Ridge Road) and Ann Woodward (60 Garnet Rock Lane) introduced themselves. Woodward said there is a stream that travels across the Brem property and drains into a culvert. Hanauer said there is also a nearby fire pond that could be impacted with manure runoff. Hanauer was concerned that the stream could be carrying manure off the property. Woodward said she was concerned that the barn is the equivalent size of a house so there would actually be five house-like structures. Primarily she is concerned about manure and the amount of clearing for and visibility of the new houses. Risso said the Board has Conservation Cluster regulations which the plan must address. The Board also has jurisdiction over the septic designs and wells which must meet local and state regulations. Trails and Open Space will be reviewed by the Planning Board and Conservation Commission. Woodward said the neighbors have been very polite in not mentioning problems about the horses. There have been odors emanating from the property. There are at least 7 horses on the property. If the land area for the horses is reduced, it will exacerbate the smells and odors. Brem said that the manure pile will be removed. In the past he has been giving it to Mark Duffy but needs to make new arrangements. The area is flat and not likely to cause runoff. It is a good location for the stockpile and easy to access. Hanauer was concerned about keeping the same number of horses on only two acres. Brem pointed out that all of the other houses in the development are on the minimum two acres. The new houses will be just like the current layout of the development. One of the lots is sold contingent upon the special permit. Brem said that he has owned the property for 7 years and no one has brought the manure issue to his attention. Hanauer said it is also flooding that could pose a problem for neighbors. Brem did not think this would be an issue. He agreed to provide flow arrows showing the drainage pattern for the lots. He felt the manure issue was separate from the special permit request. The Planning Board is still having hearings on the project.

Risso said it would help to have more information on the drainage pattern, but was not requiring an engineered drainage plan. The Board said it will try to address the concerns of the abutters on issues within its jurisdiction. Brem said he will submit a revised plan addressing the items noted by Frado including the new testing on Lot 2.

## **DISCUSSION ITEMS**

**36 Log Hill Road** – Fantasia reported that the system had been backfilled without an inspection. The As-Built shows that the tank is only 18' from the wetland. The Board granted a waiver for a 20' setback. Grading for the leaching area was placed in the Right of Way. Frado was concerned that the Perc-Rite unit was not level and appeared that it could have been driven over. At the Board's request, Rob Sarmanian re-inspected the unit and agreed that one of the pipes was broken. It would need to be replaced. He provided pictures showing the uneven cover. Fantasia noted that the installer has had recent problems with the Board over the issuance of a Certificate of Compliance. He has worked in town for a number of years and is aware of the inspection steps. According to the design engineer, the septic components were staked in the field prior to construction. Because the issues involved the Conservation Commission, the Town, and the Board of Health, the Town Administrator arranged a meeting with town counsel to discuss options. The Building Commissioner had already revoked the Occupancy Permit of the rental unit because there was no sewage disposal. The existing system was in failure and the owner continued to not meet the Board's deadlines to upgrade the system.

Town Counsel advised the Board to issue an Order to Correct and bring the system into compliance with the original design and waivers. If this is not successful, court proceedings could be undertaken. The Board agreed and set a deadline of 12/10/12 for the issuance of a Certificate of Compliance. The property cannot be rented out until it has an Occupancy Permit.

**2012 Permit Extension Act** – this is a continuation of the 2010 Act. It extends any active permit (August 2008 through August 2012) for an additional four years. The Act does not distinguish between new and failed systems. The only exclusion to the Act is a Board ordered upgrade. The Board agreed to order the upgrade of all failed systems within the standard two years to protect the public health.

**It was motioned (Risso) and seconded (Galligan) to Order the upgrade of all failed septic systems within two years of the date identifying the failure in order to protect the public health. Motion passed 5-0-0.**

**Town Government Study** – Risso had received a draft prepared by the Collins Center. The recommendations will be presented to the Selectmen on 12/10/12. Recommendations include more efficient use of the town website, strengthening the position of town administrator and improving IT. Risso was unclear what opportunity the subcommittee would have to comment before the draft was made public. The Board thanked Risso for working on the subcommittee.

October Storm Shelter Operation – Fantasia attended the Local Emergency Planning Committee (LEPC) debrief. The Board had also gathered comments from volunteers which will be summarized in its After Action Report. A number of recommendations will be developed for future shelters. There is interest in forming a Town Shelter Committee since managing a shelter is a town responsibility. COA and the Board have taken the lead but may not have the manpower to manage extended shelter operations. The Board also noted that staff worked overtime without compensation. The Town needs to develop a policy on how these hours should be covered. Brem will speak with the Town Administrator.

Lyme Disease Survey – 83 residents responded. The Survey is ongoing. According to the results, there is still a major need for more information on tick borne illnesses and prevention.

There was no further business. Meeting voted to adjourn at 10:10 pm.

Respectfully submitted,

Linda M. Fantasia,  
Recorder